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June 3, 2015

## **Via ECF**

The Honorable Denise L. Cote  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

### **Re: Request to File Under Seal**

*NCUA v. RBS Securities Inc.*, No. 11-02649 (D. Kan.)  
*NCUA v. RBS Securities Inc.*, No. 11-05887 (C.D. Cal.)  
*NCUA v. Morgan Stanley & Co.*, No. 13-06705 (S.D.N.Y.)

Dear Judge Cote:

In accordance with Rule 4(A) of the Court's Individual Practices in Civil Cases, and Paragraph 9 of the Master Protective Order, RBS requests that it be allowed to file the attached letter motion in redacted form, and the attached accompanying exhibits under seal.

Pursuant to § 2 of the Master Discovery Protocol (ECF 101),<sup>1</sup> because the accompanying letter motion applies only to the California and Kansas Actions, RBS is concurrently filing its letter motion and accompanying exhibits in *NCUA v. RBS Securities Inc.*, No. 11-02649 (D. Kan.) in accordance with District of Kansas Local Rule 5.4.6, and in *NCUA v. RBS Securities Inc.*, No. 11-05887 (C.D. Cal.) in accordance with Central District of California Local Rule 79-5.1.

RBS has redacted the portions of its letter motion that concern deposition testimony given by Connie Loveless, which Plaintiff designated as Confidential.

A list of exhibits RBS is requesting to file under seal is attached. Exhibit A is an excerpted deposition transcript of Connie Loveless, which Plaintiff requested be treated as Confidential. Exhibit C was produced by Plaintiff and designated Confidential. Exhibit D is an email string between counsel for RBS and counsel for Plaintiff that references Ms. Loveless' deposition

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<sup>1</sup> All ECF references are to *NCUA v. Morgan Stanley & Co.*, No. 13-06705 (S.D.N.Y.).

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testimony. Parties may designate materials Confidential pursuant to the Master Protective Order (ECF No. 103) entered in these matters. Paragraph 9 of the Master Protective Order provides:

In the event that before trial in the Related Actions, or in connection with any hearing in or any matter relating to the Related Actions, counsel for any Party determines to file or submit in writing to the Clerk's office any Protected Material, or any papers containing or making reference to the substance of such material or information, such documents or portions thereof containing or making reference to such material or information shall be filed with a request that the documents be filed under seal in accordance with the rules of the Court, and kept under seal until further order of the Court.

In accordance with Rule 4(A) of the Court's Individual Practices in Civil Cases, and Paragraph 9 of the Master Protective Order, RBS requests permission to file its letter motion in redacted form, and further requests that Exhibits A, C and D to the letter motion be filed under seal in accordance with the rules of Court, and kept under seal until further order of the Court.

Very truly yours,

*/s/ R. Alexander Pilmer*

R. Alexander Pilmer

cc: Counsel of Record (via ECF)

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**Documents Requested To Be Filed Under Seal**

Exhibit A	Excerpted deposition testimony of Connie Loveless
Exhibit C	NCUA-USC-0010353330
Exhibit D	Email correspondence between counsel for RBS and counsel for Plaintiff